IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FIFTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

-

WRIT PETITION NO : 19770 of 1995

Between:

Neelam Malakonda Reddy, S/o. Konda Reddy.
Nagasamudram Village, Hamlet of Veernakallu,
Kaligiri Mandal, Nellore. **..... PETITIONER**

AND

1.The District Collector,
Nellore. Nellore DIST
2.The Mandal Revenue Officer,
Kaligiri Mandal, Nellore. **.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order or direction more particularly one in the nature of Writ of Mandamus declaring the notice issued by the 2nd respondent in his proceedings No. RCB. 1222/92 dated 15/07/1995 seeking to cancel the assignment granted in favour of the petitioner on 14/08/1992 and the further order of the 2nd respondent directing the petitioner not to enter upon the land as illegal, arbitrary and without jurisdiction and set aside the same and consequently direct the respondents not to interfere with the petitioner's peaceful possession and enjoyment of Ac. 4.00 of dry land in Survey No. 38-lP of Veernakallu Village, Kaligiri Mandal, Nellore District and pass such other order or orders as the Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.P.SRIDHAR REDDY

Counsel for the Respondents: GP FOR REVENUE

The Court made the following :

ORDER:

The petitioner was assigned Ac.4-00 of land in Survey No.38-1P of Veernakallu village, Kaligiri Mandal, Nellore District and also issued D Form Patta on 14-5-1992. The Mandal Revenue Officer informed him through the impugned notice dated 15-7-1995 that since he was not a resident of the concerned village, he belongs to OC and was not a Sivai Jamadar, therefore, he was not entitled to D Form patta. The petitioner was also informed that he was owner of Ac.5-00 of land and as such also he was not entitled to patta as a landless poor. He was given one week's time to show cause as to why the patta be not cancelled. While marking copy of the order to Village Assistant, the Mandal Revenue Officer asked the Village Assistant not to permit the pattadar from entering into the land till disposal of the case. Therefore, this writ petition was filed.

Interim stay was granted on 01-09-1995, which means that the petitioner is occupying the land and enjoying the land. In the circumstances of the case, I set aside the direction given to Village Assistant by the Mandal Revenue Officer that the petitioner be not allowed to enter upon the land till disposal of the case. Although the learned Counsel for the petitioner submits that the Mandal Revenue Officer has no jurisdiction to cancel the patta already granted, yet I feel that this is an objection, which can be taken before the Mandal Revenue Officer. It is submitted that objections have already been filed to the show-cause notice.

In these circumstances, the writ petition is disposed of directing the Mandal Revenue Officer to decide the matter on merits. The petitioner is, however, at liberty to file any additional objections to the impugned notice dated 15-7-1995, if so advised. This he may do within one month from today. No costs.

5th August, 2004

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To:

1.The District Collector,
Nellore. Nellore DIST
2.The Mandal Revenue Officer,
Kaligiri Mandal, Nellore.

3.Two CCs to the G.P for Revenue,

High Court Buildings, High Court of A.P.,

Hyderabad (O.U.T.)

4.Two CD copies.